

HN



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,159	05/11/2001	Toshihiko Nakamura	14612	9714

23389 7590 01/03/2005

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
GARDEN CITY, NY 11530

EXAMINER

GARCIA OTERO, EDUARDO

ART UNIT	PAPER NUMBER
----------	--------------

2123

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/854,159

Applicant(s)

NAKAMURA, TOSHIHIKO

Examiner

Eduardo Garcia-Otero

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/11/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION: Non-Final (first action on the merits)

Introduction

1. Title is: APPARATUS AND METHOD FOR PRODUCING A PERFORMANCE EVALUATION MODEL.
2. First named inventor is: NAKAMURA.
3. Claims 1-7 are pending.
4. Priority is claimed to Japanese patent application filed 5/11/2000.
5. US Application was filed on 5/11/2001.

Index of Important Prior Art

6. Pastor refers to US patent 6,681,383.

35 USC § 102(e): filed after 11/29/00, or vol. pub. under 35 USD 122(b)

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action: A person shall be entitled to a patent unless – (e) the invention was described in- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).
8. Note that the present US application was filed on 5/11/2001, which is after 11/29/2000.
9. Claims 1-7 are rejected under 35 U.S.C. 102(e), as being anticipated by Pastor US patent 6,681,383.
10. Claims 3-5 are independent “method” claims.
11. Claim 3 limitation 1 **“defining a notation for assigning to hardware resources using expanded notation of a UML model”** is disclosed by Pastor FIG 2 “REQUIREMENTS” and “CASE TOOL” and “FORMAL SPECIFICATION”.
12. Claim 3 limitation 2 **“determining conversion rules for converting to a performance evaluation model from a UML model according to that notation”** is disclosed by Pastor FIG 2 “TRANSLATOR”.

Art Unit: 2123

13. Claim 3 limitation 3 **“systematically producing a performance evaluation model from a UML model in accordance with the conversion rules”** is disclosed by Pastor FIG 2 **“APPLICATION CODE”** and **“DATABASE SCHEMA”** and **“DOCUMENTATION”**.
14. Claim 4 limitation 1 **“setting a first message of a sequence diagram as a current message”** is disclosed by Pastor FIG 6 **“IDENTIFY THE USER... PROVIDE THE OBJECT SYSTEM VIEW... IDENTIFY THE OBJECT SERVER... RECEIVE SERVICE ARGUMENTS... SEND MESSAGE TO OBJECT SERVER... CHECK STATE TRANSITIONS.. CHECK PRECONDITIONS... FULFILL VALUATIONS... CHECK INTEGRITY CONSTRAINTS... TEST TRIGGER RELATIONSHIPS”**.
15. Claim 4 limitation 2 **“focusing on the current message of the sequence diagram”** is disclosed by Pastor FIG 6 **“IDENTIFY THE USER... PROVIDE THE OBJECT SYSTEM VIEW... IDENTIFY THE OBJECT SERVER... RECEIVE SERVICE ARGUMENTS... SEND MESSAGE TO OBJECT SERVER... CHECK STATE TRANSITIONS.. CHECK PRECONDITIONS... FULFILL VALUATIONS... CHECK INTEGRITY CONSTRAINTS... TEST TRIGGER RELATIONSHIPS”**.
16. Claim 4 limitation 3 **“investigating type and attribute of a class that defines a destination object”** is disclosed by Pastor FIG 6 **“IDENTIFY THE USER... PROVIDE THE OBJECT SYSTEM VIEW... IDENTIFY THE OBJECT SERVER... RECEIVE SERVICE ARGUMENTS... SEND MESSAGE TO OBJECT SERVER... CHECK STATE TRANSITIONS.. CHECK PRECONDITIONS... FULFILL VALUATIONS... CHECK INTEGRITY CONSTRAINTS... TEST TRIGGER RELATIONSHIPS”**.
17. Claim 4 limitation 4 **“investigating type and attribute of a class that defines a source object”** is disclosed by Pastor FIG 6 **“IDENTIFY THE USER... PROVIDE THE OBJECT SYSTEM VIEW... IDENTIFY THE OBJECT SERVER... RECEIVE SERVICE ARGUMENTS... SEND MESSAGE TO OBJECT SERVER... CHECK STATE TRANSITIONS.. CHECK PRECONDITIONS... FULFILL VALUATIONS... CHECK INTEGRITY CONSTRAINTS... TEST TRIGGER RELATIONSHIPS”**.
18. Claim 4 limitation 5 **“searching for conversion rules based on the types of classes that define the destination object and the source object”** is disclosed by Pastor FIG 6 **“IDENTIFY THE USER... PROVIDE THE OBJECT SYSTEM VIEW... IDENTIFY THE**

Art Unit: 2123

OBJECT SERVER... RECEIVE SERVICE ARGUMENTS... SEND MESSAGE TO OBJECT SERVER... CHECK STATE TRANSITIONS.. CHECK PRECONDITIONS... FULFILL VALUATIONS... CHECK INTEGRITY CONSTRAINTS... TEST TRIGGER RELATIONSHIPS”.

19. Claim 4 limitation 6 **“converting and arranging the current message to the node of a performance evaluation tool in accordance with the searched conversion rules”** is disclosed by Pastor FIG 6 “IDENTIFY THE USER... PROVIDE THE OBJECT SYSTEM VIEW... IDENTIFY THE OBJECT SERVER... RECEIVE SERVICE ARGUMENTS... SEND MESSAGE TO OBJECT SERVER... CHECK STATE TRANSITIONS.. CHECK PRECONDITIONS... FULFILL VALUATIONS... CHECK INTEGRITY CONSTRAINTS... TEST TRIGGER RELATIONSHIPS”.
20. Claim 4 limitation 7 **“judging whether or not there is a message following the current message”** is disclosed by Pastor FIG 6 “IDENTIFY THE USER... PROVIDE THE OBJECT SYSTEM VIEW... IDENTIFY THE OBJECT SERVER... RECEIVE SERVICE ARGUMENTS... SEND MESSAGE TO OBJECT SERVER... CHECK STATE TRANSITIONS... CHECK PRECONDITIONS... FULFILL VALUATIONS... CHECK INTEGRITY CONSTRAINTS... TEST TRIGGER RELATIONSHIPS”.
21. Claim 4 limitation 8 **“using the next message, if present, as the current message and focusing control in the current message”** is disclosed by Pastor FIG 6 “IDENTIFY THE USER... PROVIDE THE OBJECT SYSTEM VIEW... IDENTIFY THE OBJECT SERVER... RECEIVE SERVICE ARGUMENTS... SEND MESSAGE TO OBJECT SERVER... CHECK STATE TRANSITIONS.. CHECK PRECONDITIONS... FULFILL VALUATIONS... CHECK INTEGRITY CONSTRAINTS... TEST TRIGGER RELATIONSHIPS”.
22. Claim 5 limitation 1 **“focusing on the object”** is disclosed by Pastor FIG 6 “IDENTIFY THE USER... PROVIDE THE OBJECT SYSTEM VIEW... IDENTIFY THE OBJECT SERVER... RECEIVE SERVICE ARGUMENTS... SEND MESSAGE TO OBJECT SERVER... CHECK STATE TRANSITIONS... CHECK PRECONDITIONS... FULFILL VALUATIONS... CHECK INTEGRITY CONSTRAINTS... TEST TRIGGER RELATIONSHIPS”.

Art Unit: 2123

23. Claim 5 limitation 2 **“focusing on the class that defines the object”** is disclosed by Pastor FIG 6 “IDENTIFY THE USER... PROVIDE THE OBJECT SYSTEM VIEW... IDENTIFY THE OBJECT SERVER... RECEIVE SERVICE ARGUMENTS... SEND MESSAGE TO OBJECT SERVER... CHECK STATE TRANSITIONS... CHECK PRECONDITIONS... FULFILL VALUATIONS... CHECK INTEGRITY CONSTRAINTS... TEST TRIGGER RELATIONSHIPS”.
24. Claim 5 limitation 3 **“searching for a corresponding class from the object and searching for a resource correlation line connected to the class”** is disclosed by Pastor FIG 6 “IDENTIFY THE USER... PROVIDE THE OBJECT SYSTEM VIEW... IDENTIFY THE OBJECT SERVER... RECEIVE SERVICE ARGUMENTS... SEND MESSAGE TO OBJECT SERVER... CHECK STATE TRANSITIONS... CHECK PRECONDITIONS... FULFILL VALUATIONS... CHECK INTEGRITY CONSTRAINTS... TEST TRIGGER RELATIONSHIPS”.
25. Claim 5 limitation 4 **“judging whether or not the resource correlation line exists”** is disclosed by Pastor FIG 6 “IDENTIFY THE USER... PROVIDE THE OBJECT SYSTEM VIEW... IDENTIFY THE OBJECT SERVER... RECEIVE SERVICE ARGUMENTS... SEND MESSAGE TO OBJECT SERVER... CHECK STATE TRANSITIONS... CHECK PRECONDITIONS... FULFILL VALUATIONS... CHECK INTEGRITY CONSTRAINTS... TEST TRIGGER RELATIONSHIPS”.
26. Claim 5 limitation 5 **“storing the type and attribute of a resource class having a resource correlation as the type and attribute of the class if a resource correlation exists”** is disclosed by Pastor FIG 6 “IDENTIFY THE USER... PROVIDE THE OBJECT SYSTEM VIEW... IDENTIFY THE OBJECT SERVER... RECEIVE SERVICE ARGUMENTS... SEND MESSAGE TO OBJECT SERVER... CHECK STATE TRANSITIONS... CHECK PRECONDITIONS... FULFILL VALUATIONS... CHECK INTEGRITY CONSTRAINTS... TEST TRIGGER RELATIONSHIPS”.
27. Claim 5 limitation 6 **“storing the type and attribute of the original class as the type and attribute of the class if a resource correlation line does not exist”** is disclosed by Pastor FIG 6 “IDENTIFY THE USER... PROVIDE THE OBJECT SYSTEM VIEW... IDENTIFY THE OBJECT SERVER... RECEIVE SERVICE ARGUMENTS... SEND MESSAGE TO

Art Unit: 2123

OBJECT SERVER... CHECK STATE TRANSITIONS... CHECK PRECONDITIONS...
FULFILL VALUATIONS... CHECK INTEGRITY CONSTRAINTS... TEST TRIGGER
RELATIONSHIPS”.

28. Claims 1-2 are “apparatus” type claims with the same limitations as “method” claims 3-5, and are rejected for the same reasons.
29. Claims 6-7 are “recording medium” type claims with the same limitations as “method” claims 3-5, and are rejected for the same reasons.

Additional Cited Prior Art

30. The following US patents or publications are hereby cited as prior art, but have not been used for rejection. Applicant should review these carefully before responding to this office action.
31. Bahrs US Patent 6,829,771 discloses “type for the event is identified. A dispatching strategy is selected” at Abstract.
32. Bahrs US Patent 6,779,177 discloses “A data type is identified for the data... formatted and a refresh is called” at Abstract.

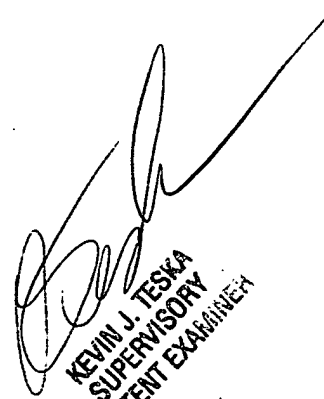
Conclusion

33. All pending claims stand rejected.

Communication

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Garcia-Otero whose telephone number is 571-272-3711. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 8:00 PM. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner’s supervisor, Kevin Teska, can be reached at 571-272-3761. The fax phone number for this group is 703-872-9306.

* * * *



KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER